



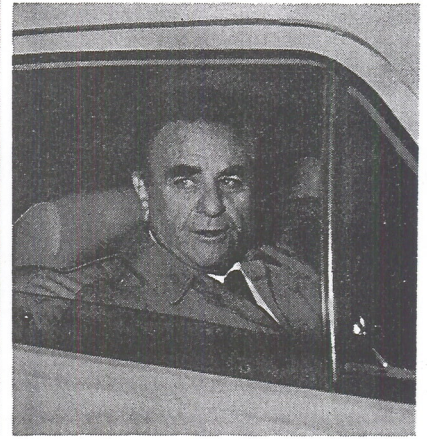
JOHN J. WILSON



WILLIAM HUNDLEY



WILLIAM FRATES



JUDGE SIRICA LEAVING COURT

WATERGATE

Trying to Get the T-R-U-T-H

The ordeal of testifying was finally over for Watergate Conspirator John Dean, who stuck steadily to his story under the often clashing cross-examination of lawyers for the defendants in the Watergate cover-up trial. But the travail had barely begun for Federal Judge John J. Sirica and the 21 lawyers locked in the multisided legal struggle. Already, tempers were turning testy. Frequently, the drama centered more on the extraordinary exchanges among the judge and counsel than on the fate of the five defendants.

With the jury either out of the courtroom or beyond earshot, the judicial colloquy was astonishingly frank. Weary of the angry wrangles between the defense counsel and prosecutors, the blunt Sirica mused at one point: "Maybe I shouldn't say what is on my mind." But he did. Staring sternly at former Attorney General John Mitchell, a defendant, Sirica said of the Nixon aides who had plotted to bug Democratic National Headquarters at meetings in Mitchell's office: "It's too bad that Mr. Mitchell didn't say: 'Throw them out of here. Get them out fast.' If he had," Sirica told Mitchell, "you wouldn't be in this courtroom today."

My Way. John J. Wilson, 73, the garrulous defense attorney for H.R. Haldeman, also drew the fire of Sirica, 70, who had once worked with Wilson when both were assistant U.S. Attorneys in Washington. After one Sirica ruling, Wilson protested: "I always want to be respectful, but I think that's palpably unfair." Sirica slapped the bench with his hand, startling spectators. "Now listen, Mr. Wilson, you know me," Sirica snapped. "You've known me for years. I'm as much interested in getting the truth out as you are." Undaunted, Wilson argued on. Interrupting, Sirica shouted: "We're going to do it my way, not your way!"

An argument also broke out after Dean insisted that he thought "parts

were missing" on the tapes of three White House conversations he had held with Nixon and therefore he could not vouch for their accuracy. Wilson wanted to show that Dean's testimony before the Senate Watergate Committee last year did not agree with everything on those three tapes, yet he nevertheless objected at length to Sirica's suggestion that the tapes be played. "Now listen, just a minute," Sirica cut in. "You just stop talking until I get through. You're not going to argue to this jury that this man went up to the Senate committee and say he gave false information when you will not let the tape be played." Earlier, after another counsel protested one of his rulings, Sirica declared more calmly: "If I am in error, I am never in doubt."

Even with the jurors in court, Sirica was outspoken. He advised that he intended to treat the normal rules of evidence with considerable latitude because "what we are trying to get,

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SPECIAL PROSECUTOR HENRY RUTH
The agenda is still open.

members of the jury, is the truth of what happened . . . the truth—T-R-U-T-H." Later, as defense counsel kept drawing ready admissions from Dean that he had shredded documents, helped others commit perjury and obstructed justice, Sirica seemed to tire of the repetition. "I don't think that anyone is trying to paint this gentleman as a lily-white angel in this case," Sirica said. "Let's be frank about it, he has already confessed to his participation and what he did." Added the chief prosecutor, James Neal, "And he is paying for it." Last August Sirica sentenced Dean to one to four years in prison.

Mastery of Detail. Dean, who spent the entire week on the stand, seemed bemused by much of the squabbling around him. Never flustered and still displaying his mastery of memorized detail, he blunted the intended impact of Wilson's surprisingly low-keyed questions. Wilson attacked Dean's use of \$4,850 in Nixon campaign funds for his wedding and honeymoon, and to build a patio at his home. Prosecutor Neal had brought that issue out first on direct examination, letting Dean testify that he had placed a personal check in his White House safe in place of the money, later repaid the amount, and that this misuse of funds would never have been known if Dean had not disclosed it himself. Wilson drew an admission from Dean that, at the least, this had amounted to "an interest-free loan."

Haldeman's lawyer was more effective in showing that Dean had shredded two notebooks that had belonged to Convicted Watergate Burglar E. Howard Hunt—and had withheld that information from prosecutors and the Senate Watergate Committee until a year ago. In his first public explanation of that destruction, Dean said he had feared that the notebooks would lead to disclosure of the 1971 White House-sanctioned burglary of a psychiatrist who had treated Pentagon Papers Defendant Daniel Ellsberg. Contended Dean: "I was just getting rid of something I didn't know how to handle."

Employing a deliberately casual, informal approach, Mitchell's good-

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natured attorney, William Hundley, got Dean to concede that there was no evidence that Mitchell had approved the bugging of Democratic headquarters and that Jeb Stuart Magruder, former deputy director of Nixon's re-election committee—the only Nixon aide who has claimed that Mitchell did—has given conflicting accounts of who had ordered it. Dean admitted, too, that efforts to get Mitchell to step forward and take the full blame for the burglary were motivated by the desire of Dean and oth-

er presidential aides to save their own necks.

A more theatrical attack on Dean was launched by Ehrlichman's counsel, Frates, whose inflection conveyed heavy sarcasm. "There is finger pointing in this courtroom and there'll probably be more of it," he said. His questions implied that Nixon and Haldeman had led Ehrlichman into his current difficulty. But Dean was unshaken in his testimony that Ehrlichman had knowingly participated in the cover-up.

The procedure for playing the tapes has produced much of the courtroom quarreling. Defense counsel have consistently argued that the tapes contain irrelevant but prejudicial comments, and that transcripts provided to the jury for help in listening, but not as evidence, can mislead the jurors. The point was illustrated in a salacious way when a March 22 tape was played on which someone in the Oval Office is heard discussing a phone call with Canadian Prime Minister Trudeau. A voice then

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calls him "ass-hole Trudeau." The transcript omitted Trudeau's name but identified the voice as Haldeman's. In a pained conference, Haldeman's attorneys insisted that the voice was Nixon's, and other attorneys agreed. Sirica offered to advise the jury of the mistake, but Frank Strickler, a Haldeman attorney, countered that that would only draw attention to the remark. The matter was dropped.

In another conference with Sirica, the judge indicated that he was considering calling former President Nixon as a court witness. That would provide more latitude in questioning him by all parties, said Sirica, and it would mean that no party would have to "vouch for his credibility."

The very next day, Nixon was readmitted to the Memorial Hospital Medical Center in Long Beach, when his doctor, John Lungren, was not satisfied with the results of routine tests on his treatment for phlebitis. There was no evidence of new lung clots, but Lungren reported that one major vein in Nixon's left leg was almost totally blocked, and there were several previously undetected clots in his left thigh. Nixon's dosage of anticoagulant drugs was increased, and Lungren said that if this is not successful, surgery might be necessary.

Shy but Tough. To replace retiring Special Prosecutor Leon Jaworski, Attorney General William Saxbe after consultation with President Ford appointed Henry S. (Hank) Ruth Jr. A quiet, almost shy, former Philadelphia lawyer, Ruth, 43, has spent more than 15 months as the top deputy to both Jaworski and the first Special Prosecutor, Archibald Cox. Thoroughly familiar with all of the staff's pending investigations, the soft-voiced Ruth is seen to be as tough as Jaworski, but endowed with some of Cox's scholarly attributes. He taught law at the University of Pennsylvania after serving in Attorney General Robert Kennedy's Justice Department. Within hours after Cox was fired in the Saturday Night Massacre on Oct. 20, 1973, Ruth was stopped outside the Special Prosecution Force office by a security guard who declared: "The FBI says I can't let you go up now." Replied Ruth: "I'm going." He did, holding the demoralized staff together.

On the new Special Prosecutor's still open agenda is the case of Maurice Stans, Nixon's former Commerce Secretary and chief campaign fund raiser. He has been plea bargaining with the prosecutors, seeking to plead guilty to one or more misdemeanor charges of violating campaign-contribution laws. The prosecutors want him to plead guilty to a felony. If no agreement is reached, an indictment is expected. Also facing probable indictment is Bebe Rebozo, Nixon's millionaire Miami friend. Although it is entering its final phase, the Watergate scandal is far from over.